

# Rocky Flats Deletion from NPL Overview

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September 30, 2017



## National Contingency Plan (NCP) Section 300.425 (e)

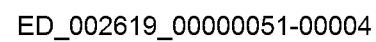
- EPA shall consult with State on proposed deletions prior to developing the notice of intent
- Consider whether:
  - (1) Responsible parties have implemented all appropriate response actions
- ❖ EPA shall provide the State 30 working days for review of deletion notice prior to publication



## NCP Section 300.425 (e) cont'd

- ❖ Should future conditions warrant, the site may be restored to the NPL
- ❖ Public Involvement Process
  - Publish Notice of Intent to Delete (Federal Register) and solicit comments for minimum 30 days
  - Notice in major local newspaper
  - Copies in repository
  - Respond to each significant comment/data in final package
- ❖ Place final deletion package in repository





## Policy Clarification (Fed.Reg. 11/01/1995)

- ❖ Primary purpose of the NPL is informational/management tool
- ❖ NPL listing does not assign CERCLA liability
- ❖ Should future conditions warrant, the site may be restored to the NPL



## Status of Rocky Flats Operable Units

- ❖ OU 3 and the Peripheral Operable Unit deleted in 2007
- ❖ Central Operable Unit
  - CAD/ROD 2006
  - 2012 Five Year Review: Remedy Protective
  - 2017 Five Year Review: Remedy Protective
  - O&M, monitoring, reporting: ongoing as prescribed in the CAD/ROD
- ❖ Required IC's in place
  - Restrictive Use Notice completed April 2017



NCP Section 300.425 (e) determination  
“Responsible parties have implemented all  
appropriate response actions required”

❖ 2006 CAD/ROD selected remedy of Institutional and Physical Controls

- Environmental Monitoring and continued O&M of engineered structures
- Regular reporting to EPA and CDPHE
- Specific O&M requirements derived from the RFCA accelerated action decision documents



## Central Operable Unit – Current Status

- 2012 Five Year Review: Remedy Protective
- 2017 Five Year Review: Remedy Protective
- O&M, monitoring, reporting: ongoing as prescribed in the CAD/ROD
- ❖ Required IC's in place
  - Restrictive Use Notice completed April 2017
- ❖ The remedy has remained protective through 10 years of performance despite high precipitation events and extreme weather variability





## EPA Guidance: Close Out Procedures for NPL Sites

❖ <https://semspub.epa.gov/work/HQ/176076.pdf>

### ❖ Chapter 5: Site Deletion

- Documentation of activities/decisions complete
- Activities are verified
- Public has opportunity for notice and comment



## Deletion Checklist

- ❖ NPL deletion criteria met
  - All IC's recorded, implemented
  - Program measures (Environmental Indicator, Five Year Reviews) support decision to delete
  - State concurrence
  - Final close out report completed



## Components of State concurrence letter

- State has reviewed Notice of Intent for Deletion
- All appropriate response actions other than O&M, monitoring and Five Year reviews completed
- Institutional controls in place and effective.
- Physical controls in place and effective
- EPA will continue to conduct Five Year Reviews



## State concurrence letter (cont'd)

- ❖ Conclusion statement: agree that all necessary actions have been taken to delete COU from the Nat'l Priorities List

